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PART III.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. 161—*L. C., dated 29th October* 1919.

Under Rule 40 of the Rules for the conduct of business of the Mysore Legislative Council, the following report of the Select Committee on the Bill for the Regulation of traffic and the preservation of the surface of public roads and places in Mysore is published for general information with the Bill as amended by them.

By Order,
P. MAHADEVAYYA,
Secretary, Mysore Legislative Council.

Report of the Select Committee on the Bill for the Regulation of Traffic and the Preservation of the surface of public roads and places in Mysore.

We, the members of the Select Committee appointed to consider the above Bill, have carefully considered the provisions of the Bill and also the amendments thereto suggested by Mr. M. K. Krishnamurthi Rao, and have the honour to submit the following report:—

Clause I (2) and (3).—As the provisions in these sub-clauses regarding the extent and commencement of the

Regulation are not quite clear, we have thought it necessary to recast them as follows:—

"(2) It shall extend to the whole of Mysore," and

"(3) It shall come into force in such local areas and from such dates as Government may by notification in the official gazette direct."

New clause.—We consider that it is desirable to define the terms "public roads" and "places" with a view to specify what they are intended to include. We have accordingly inserted a new clause, *viz.*, clause 2, for this purpose, and renumbered the remaining clauses.

The new clause runs as follows:—

"2. In this Regulation, unless there is anything repugnant in the subject or context.

Definition.—(1) 'Public Roads' shall include all roads, bridges, carriageways, causeways, footways, bridleways,

(*a*) over which the public have a right of way, or

(*b*) heretofore maintained out of public funds, or

(*c*) which are declared public roads by the provisions of any law for the time being in force, but not vested in any local authority, and

(2) 'Places' includes vehicle stands, embankments or ramps, camps or refuges forming approaches to public roads, not vested in any local authority."

Clause 3 (q) omit "*a*" between the words "in" and "case" in line 3.

Clause 3 sub-clause 2 (a). We have not defined "roadway," while "roads" come within the definition of "public roads." We therefore suggest that the word "road" may be substituted for "roadway."

Clause 3 Sub-clause 2 (or).—As the object of the Bill is the "Preservation of the road surface" we have considered it necessary to insert these words in this sub-clause after the words "prevention of obstruction to traffic."

Clause 4.—To make it clear that the conviction referred to in this clause is "before a magistrate" we have inserted these words after the word "conviction." Further, there being no provision in the clause regarding the manner of the recovery of the fine, the following sentence has been added:—

"All such fines shall be recovered in the manner prescribed in the Code of Criminal Procedure, 1904."

Clause 5, Sub-clause 1.—We have revised the latter part of this clause so as to bring it into line with the wording of section 57 (1) of the Code of Criminal Procedure, 1904, in regard to the disclosure of the name and residence of the offender and also to provide for the case of persons who are not residents of the State. We have also substituted the words "in this behalf" for the words "to exercise the powers." As thus amended this clause reads as follows:—

"Any Police Officer or any other officer appointed by the Government in this behalf may, without an order from a Magistrate and without a warrant, arrest any per-

son committing in his view a breach of any rule made under Section 3, if he refuses on demand of such officer to give his name and residence, or gives a name and residence which such officer has reason to believe to be false, or if he does not reside in Mysore, fails to furnish sufficient security for his appearance when required."

Sub-clause 2 of the above.—As Sections 64 and 65 of the Code of Criminal Procedure, 1904, do not relate to the procedure after arrest, we have substituted for the figures "60 to 68" occurring in this sub-clause, the figures "60 to 63, 66 and 67."

We recommend that the Bill may be passed with the additions and alterations noted above.

P. RAGHAVENDRA RAO.
S. CADAMBI.
K. SHANKARANARAYANA RAO.
B. NARASINGA RAO.
H. CHENNAYA.

A Bill for the Regulation of traffic and preservation of the surface of public roads and places in Mysore.

(As amended by the Select Committee).

[*The portions in square brackets are those omitted and those in italics newly inserted by the Committee.*]

Whereas it is expedient to pro[illegible]ion of traffic and the preserva[illegible]ads and places in Mysore;

(2) Without prejudice to the generality of the foregoing power, such rules may contain directions as to all or any of the following matters, namely :—

(*a*) prohibiting or restricting the use of vehicles of any particular class or description considered likely to cause damage or excessive wear to the surface of the road or to drop materials or obstructions thereon and in particular, where a berm or side-track is provided confining such vehicles to the berm or side-track during the dry season.

(*b*) prohibiting or restricting the use of vehicles not provided with brakes of such character as may be required by the rules.

(*c*) prohibiting or restricting the use of vehicles or animals which are of such a nature or in such a condition as to be likely to cause annoyance, inconvenience or danger to the public.

(*d*) providing for the granting of licenses to drive vehicles of any particular class or description, the fees chargeable in respect of such licenses and the authority by which and the conditions upon which such licenses may be granted, suspended and revoked :

(*e*) prohibiting the driving of any such vehicles by unlicensed persons ;

(*f*) prohibiting the leaving of vehicles or animals unattended or in the charge of incompetent persons ;

(*g*) the speed at which vehicles or animals may be driven or ridden ;

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(j) prohibiting the driving or riding of vehicles or animals on footways or other places where their use may be attended with danger to the public.

(k) prohibiting the halting of vehicles or animals at places other than the proper camps or refuges;

(l) the carrying and use on vehicles and animals of a bell or other instrument for giving audible and sufficient warning of their approach or position;

(m) the carrying of lights on vehicles between sunset and sunrise and the description of lights to be carried and the position in which they should be placed.

(n) the stoppage of vehicles or animals when required by the Police for the regulation of traffic or for other reasonable purpose;

(o) the maximum weight or the number of passengers to be carried on each description of vehicle or animal;

(p) empowering specified officers to issue notices requiring owners or occupiers of land—

(i) to lop the branches of any trees growing on such land and overhanging the road so as to cause obstruction or danger, and

(ii) to cut or trim any hedges or noxious vegetation, growing on such land which may be considered likely to intercept a view of

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Highness the Maharaja

d to enact as follows:—

Short title, extent and commencement.

1. (1) This Regulation may be called the Mysore Highway Regulation.

(2) [This section] *It* shall extend to the whole of Mysore [and shall come into force at once], *and*

(3) [The rest of this Regulation shall apply to] *It shall come into force in* such local areas and from such dates as Government may by notification *in the Gazette* direct.

2. *In this Regulation, unless there is something repugnant in the subject or context.*

Definition.

(1) "*Public road*" *shall include all roads, bridges, carriageways, causeways. footways, bridleways*

(*a*) *over which the public have a right of way, or*

(*b*) *heretofore maintained out of public funds, or*

(*c*) *which are declared public roads by the provisione of any law for the time being in force, but not vested in any local authority, and*"

(2) "*Places, includes vehicle stands, embankments or ramps, camps or refuges forming approaches to public roads, not vested in any local authority.*

Power to make rules.

[2] 3. (1) Government may make rules for the regulation of traffic on public roads and places and for the preservation of the surface of such roads and places.

(2) Without prejudice to the generality of the foregoing power, such rules may contain directions as to all or any of the following matters, namely:—

(*a*) prohibiting or restricting the use of vehicles of any particular class or description considered likely to cause damage or excessive wear to the surface of the road or to drop materials or obstructions thereon and in particular, where a berm or side-track is provided confining such vehicles to the berm or side-track during the dry season.

(*b*) prohibiting or restricting the use of vehicles not provided with brakes of such character as may be required by the rules.

(*c*) prohibiting or restricting the use of vehicles or animals which are of such a nature or in such a condition as to be likely to cause annoyance, inconvenience or danger to the public.

(*d*) providing for the granting of licenses to drive vehicles of any particular class or description, the fees chargeable in respect of such licenses and the authority by which and the conditions upon which such licenses may be granted, suspended and revoked:

(*e*) prohibiting the driving of any such vehicles by unlicensed persons;

(*f*) prohibiting the leaving of vehicles or animals unattended or in the charge of incompetent persons;

(*g*) the speed at which vehicles or animals may be driven or ridden;

(*h*) the rule of the road;

(*i*) the registration of vehicles plying for hire, the fees chargeable in respect of such registration and the carrying of number or name plates on vehicles so registered.

(*j*) prohibiting the driving or riding of vehicles or animals on footways or other places where their use may be attended with danger to the public.

(*k*) prohibiting the halting of vehicles or animals at places other than the proper camps or refuges;

(*l*) the carrying and use on vehicles and animals of a bell or other instrument for giving audible and sufficient warning of their approach or position;

(*m*) the carrying of lights on vehicles between sunset and sunrise and the description of lights to be carried and the position in which they should be placed.

(*n*) the stoppage of vehicles or animals when required by the Police for the regulation of traffic or for other reasonable purpose;

(*o*) the maximum weight or the number of passengers to be carried on each description of vehicle or animal;

(*p*) empowering specified officers to issue notices requiring owners or occupiers of land—

(i) to lop the branches of any trees growing on such land and overhanging the road so as to cause obstruction or danger, and

(ii) to cut or trim any hedges or noxious vegetation, growing on such land which may be considered likely to intercept a view of

son committing in his view a breach of any rule made under Section 3, if he refuses on demand of such officer to give his name and residence, or gives a name and residence which such officer has reason to believe to be false, or if he does not reside in Mysore, fails to furnish sufficient security for his appearance when required."

Sub-clause 2 of the above.—As Sections 64 and 65 of the Code of Criminal Procedure, 1904, do not relate to the procedure after arrest, we have substituted for the figures "60 to 68" occurring in this sub-clause, the figures "60 to 63, 66 and 67."

We recommend that the Bill may be passed with the additions and alterations noted above.

P. RAGHAVENDRA RAO.
S. CADAMBI.
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H. CHENNAYA.

A Bill for the Regulation of traffic and preservation of the surface of public roads and places in Mysore.

(As amended by the Select Committee).

[The portions in square brackets are those omitted and those in italics newly inserted by the Select Committee.]

Whereas it is expedient to provide for the regulation of traffic and the preservation of the surface of public roads and places in Mysore, His Highness the Maharaja is pleased to enact as follows:—

Short title, extent and commencement.

1. (1) This Regulation may be called the Mysore Highway Regulation.

(2) [This section] *It* shall extend to the whole of Mysore [and shall come into force at once], *and*

(3) [The rest of this Regulation shall apply to] *It shall come into force in* such local areas and from such dates as Government may by notification *in the Gazette* direct.

2. In this Regulation, unless there is something repugnant in the subject or context.

Definition.

(1) "Public road" shall include all roads, bridges, carriageways, causeways, footways, bridleways

(a) over which the public have a right of way, or
(b) heretofore maintained out of public funds, or
(c) which are declared public roads by the provisions of any law for the time being in force, but not vested in any local authority, and"

(2) "Places, includes vehicle stands, embankments or ramps, camps or refuges forming approaches to public roads, not vested in any local authority.

[2] *3.* (1) Government may make rules for the regulation of traffic on public roads and places and for the preservation of the surface of such roads and places.

Power to make rules.

approaching traffic on the road, or on any side road or other approach thereto, and

(iii) to remove from the road any branches, trimmings and vegetation lopped or cut by such owners or occupiers;

(*q*) imposing on such owners or occupiers of land the duty to comply with such notices within a reasonable time and authorising such officers to lop, cut or trim such trees, hedges and vegetation in case of default;

(*r*) and generally the prevention of obstruction to traffic, *preservation of road surface* and of annoyance, danger or injury to the public.

(3) All rules made under this section shall be made after previous publication and when made shall be finally published in the Gazette and shall come into operation from the date of such final publication.

Penalties.

[3.] *3.* Any breach of any rule made under this Regulation may, on conviction *before a magistrate* be punished with fine which may extend to fifty rupees or in the case of a second or subsequent conviction to two hundred rupees. *All such fines shall be recovered in the manner prescribed in the Code of Criminal Procedure, 1904.*

Arrest of offenders before warrant.

[4]. *5.* (1) Any police officer or any other officer appointed by the Government [to exercise this power] *in this behalf* may, without an order from a Magistrate and without a warrant, arrest any person committing in his view a breach of any rule made under Section 3 [if the name and residence of such person be unknown to such officer and cannot be ascertained by him then and there] *if he refuses on demand of such officer to give his name and residence, or gives a name and residence which such officer has reason to believe to be false, or, if he does not reside in Mysore, fails to furnish sufficient security for his appearance when required.*

(2) When any such arrest has been made the provisions of Section 57, sub-sections (2) and (3) and Sections 60 to [68] *63, 66 and 67* of the Code of Criminal Procedure, 1904, shall apply.

No. G. 15953—Legis. 18-15-18, dated 13th January 1920.

Under the provisions of Section 2 of the Mysore Arbitration Regulation, 1917, the Government are pleased to declare that the said Regulation shall apply to the Districts of Bangalore, Mysore and Shimoga from 1st February 1920.

By Order,
C. S. BALASUNDARAM IYER,
Chief Secretary to Government.